

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

NICOLE WOOTEN,

Plaintiff,

v.

LIMETREE BAY TERMINALS d/b/a
OCEAN POINT TERMINALS, PORT
HAMILTON REFINING &
TRANSPORTATION, WEST INDIES
PETROLEUM LTD., and LIMETREE
BAY REFINERY, LLC, as a nominal
Defendant

Defendants.

Case No. 1:23-cv-00012-WAL-EAH

**OCEAN POINT'S MOTION DISMISS COUNT II OF THE CROSSCLAIM, STRIKE
SPECIFIC PARAGRAPHS OF THE CROSSCLAIM, AND FOR FEES AND COSTS**

Defendant Limetree Bay Terminals, LLC d/b/a Ocean Point Terminals ("Ocean Point"), pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and 12(f), hereby moves for an order: (1) dismissing Count II of the Crossclaim for lack of subject matter jurisdiction, or alternatively, for failure to state a claim; (2) striking paragraphs 30-31, 43, 48-52, and 62-65 of the Crossclaim as impertinent, immaterial, and/or scandalous; and (3) awarding Ocean Point its reasonable attorney's fees and costs associated with defending Count II of the Crossclaim.

A memorandum of law in support of this motion is being filed contemporaneously herewith.

DATED: February 29, 2024

AKERMAN LLP

201 East Las Olas Boulevard,
Suite 1800
Fort Lauderdale, Florida 33301
Telephone: (954) 463-2700
Facsimile: (954) 463-2224

By: /s/Donnie M. King

Donnie M. King
Virgin Islands Bar No. 1237
Primary e-mail: donnie.king@akerman.com
Secondary e-mail: sharon.luesang@akerman.com
David J. Awoleke (admitted *pro hac vice*)
david.awoleke@akerman.com
*Counsel for Defendant Limetree Bay Terminals,
LLC d/b/a Ocean Point Terminals*

CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2024, I filed the foregoing document was filed with the Court's electronic filing system on the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/Donnie M. King

Donnie M. King